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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,567	03/22/2001	George Harry Hoffman	41556/04725 (RSI1P071)	8346
22428	7590	10/27/2003	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			GORT, ELAINE L	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/816,567

Examiner

Elaine Gort

Applicant(s)

HOFFMAN ET AL.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 7, 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the data for ordering products from a distributor of the supply chain" in line 5. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 1 in line 8 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 2 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 3 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 4 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

Claim 7 recites the limitation "the data for ordering products from a distributor of the supply chain" in line 5. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 7 in line 8 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 8 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 9 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 10 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

Claim 13 recites the limitation "the data for ordering products from a distributor of the supply chain" in line 5. There is insufficient antecedent basis for this limitation in the claim.

It is unclear in claim 13 in line 8 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 14 in line 1 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 15 in line 2 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

It is unclear in claim 16 in line 2 what is being referred to in regard to "the products" as there is previously cited a reference to "products sold" and to "ordered products".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by "E-Chain Solutions Limited".

E-Chain Solutions Limited discloses the claimed method, system, and computer program product for product tracking in a supply chain management framework. E-

Chain Solutions Limited discloses receiving of sales data from outlets (for example page 3); generation of electronic order forms (for example see page 3 stating that ordering is carried out with the system and would inherently include an amount of products ordered by the outlet); and tracking of the products (for example see page 3 regarding shipments being tracked via electronic commerce; page 2 discussing bar coding of products and EDI which is used for tracking products; and page 4 regarding Logistics Optimization which includes cross-docketing which inherently incorporates continual tracking of inventory to allow products to be identified for use/sale).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noori in view of "Cover Story: Supply Chain Management Quarterly Efficient Foodservice Response Moving Towards Efficiency" (Supply Chain).

Noori discloses the claimed method, system, and computer program product for product tracking in a supply chain management framework including: receiving data from a plurality of outlets of a supply chain utilizing a network, the data relating to an amount of products sold by the outlets (for example see page 599 KG Men's store example of the tracking a sale of a pair of jeans); and generating electronic order forms

Art Unit: 3627

based on data for ordering products from a distributor of the supply chain, wherein the electronic order forms indicate an amount of the products ordered by each outlet (for example see details on purchase orders on page 599 and KG Men's Store example where an order for a replacement pair of jeans is automatically generated on page 599); but is silent regarding tracking an amount and location of products. Supply Chain discloses that it is known in the art to provide a product tracking system with frequent checks on a product as a case winds its way from a manufacturer thru the supply chain to reduce shipping errors and an ability to track products in the event of a recall (page 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the product tracking system of Noori with the location tracking of Supply Chain, in order to reduce shipping errors and an ability to track products in the event of a recall.

Regarding the use of the Internet, it would be obvious to one of ordinary skill in the art to use the Internet for the network because it is broad reaching, cost effective and a fast network communication mode.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

Application/Control Number: 09/816,567  
Art Unit: 3627


Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG

October 15, 2003

 10/20/03  
ROBERT P. OLSZEWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600